



THE CITY OF NEW YORK
LAW DEPARTMENT

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February 3, 2012

BY ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Thirston Harrison v. City of New York, et al.,
11 CV 2762 (SLT)(RML)

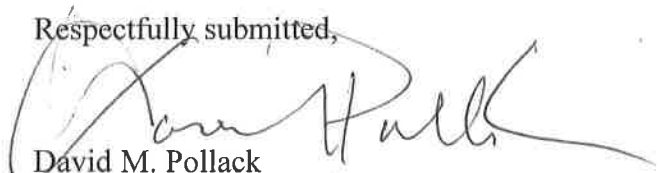
Dear Judge Levy:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of Defendant City of New York (the "City"). I am writing in response to this Court's Order regarding discovery in this case.

First, I apologize for not responding to plaintiff's deficiency letter sooner. I have been extremely busy with two cases which were proceeding to trial. The first trial, *Gaffney v. The City of New York*, 10 CV 1192 (SLT) just concluded yesterday and the other case *Francisco Quintero*, 11 CV 4524 (HB) was scheduled for trial March 5, 2012 and I was engaged in a Court Ordered discovery regarding eight depositions. That case only recently settled. In this case I did provide plaintiff's counsel with extensive initial disclosures on December 9, 2011. I did not intentionally fail to answer plaintiff's discovery, but was quite over burdened with other pressing matters.

I respectfully request that this Court reconsider its order regarding waiver of objections and request that Defendant be given a *nunc pro tunc* enlargement of time to respond to plaintiff's discovery until February 10, 2012. This case involves the execution of a search warrant in which three loaded firearms were recovered as well as a large quantity of marijuana. We have been working on obtaining additional needed documents from The Kings County DA and Court which have not been produced to date. I left a telephone message for Mr. Harvis earlier today but have not heard from him as yet. Thank you for your consideration in this regard.

Respectfully submitted,



David M. Pollack
Assistant Corporation Counsel

cc: BY ECF
Gabriel P. Harvis, Esq.
Attorney for Plaintiff